

**REMARKS**

Claims 1-3, 5-8 and 10 -14 are rejected. Claims 1, 10 and 15 are independent claims. Claims 1 – 23 are pending in the application.

Reconsideration of all grounds of rejection in the Office Action based upon the above amendments, and allowance of all of the pending claims are respectfully requested in light of the following remarks.

Amendments have been made to the claims to provide clarity and consistency in the claims. In particular, independent claim 1 and 10 were amended to remove the features of the laser diode and photo diode from the preamble and insert those features into the elements of the claims. Dependent claim 4 has been amended to recite that the location of the laser diodes and photo diode on the sub-mount. Claims 22 and 23 have been added. No new matter was added.

Dependent claim 7 was amended to accurately describe the locations of the holes found in the stem of the third embodiment as illustrated in FIG. 7 and detailed in the specification page 8, line 6 through 20. In addition, the word ‘pair’ was added to provide antecedent basis for the ‘second through-holes.’

Dependent claim 9 has been amended to add the word ‘pair’ to provide antecedent basis for the ‘second through-holes’ disclosed in dependent claim 7. In addition claim 9 was amended to accurately describe the location of the heat sink block in reference to the first through-hole the third embodiment as illustrated in FIGs. 7 and detailed in the specification page 8, line 6 through 20.

Dependent claim 12 and 13 were exchanged to follow the proper order of the method claim as set forth in the specification, page 8, line 21 to page 9 line 6 and FIG. 8. In addition,

former dependent claim 13 was amended to avoid confusion and to fully and accurately describe the 'seal through-hole' step by removing the description of the 'separate lead plate' step.

Applicants wish to thank the examiner for indicating that independent claim 15 is allowed and that dependent claims 4 and 9 would be allowable if rewritten in independent form. At this time, however, applicant respectfully declines to accept the examiner's suggestion as stated below.

Claims 1, 7, and 10 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Yagi et al (US Pat. No. 6,868,105). Applicants respectfully traverse this ground for rejection.

Claims 1 and 10 as currently amended recite an optical element module package and method of manufacturing same comprising, *inter alia*, a photo diode for **monitoring the optical signals projected from the laser diode.**

In contrast, Yagi discloses a light receiving element or signal-detecting light receiving element which does not monitor the optical signals from the laser diode as set forth in the rejected base claim 1 and 10. Yagi discloses an optical pickup device for reading information recorded on an optical recording medium (CD-ROM devices) and a semiconductor laser device employed in such an optical pickup and method of manufacturing same (Col. 1, line 16 to 27). The present invention relates to an optical element **module** which is a device which "modulates radio-frequency (RF) signals into optical signals" for means of supplying data to an optical communication network (Page 1, line 15 – 22). Yagi relates to an entirely different device which operates as a **component** in a specific device by providing brief electrical signal to optical conversion between the CD-ROM device and the media (disk).

Claim 1 and 10 as amended describe how the photo diode in the present invention operates by **monitoring the optical signals projected from the laser diode**. According to the Office Action, a photo diode is disclosed in Yagi in FIG. 6, reference character No. 6 and in the specification Col. 15, line 25 to 67. Applicant has reviewed that reference and finds that reference character No. 6 is not a photo diode but a reflector (a mirror) (Col. 15, line 57). As applicants understand the CD-ROM component device in Yagi, that component illustrated in FIG. 6 represents the 5<sup>th</sup> (write function) and 6<sup>th</sup> (read function) embodiments of that invention.

According to Yagi, the light receiving element 7 is parallel to the LD5 so that the spot of signal light strikes a predetermined position on the light-receiving element 7. However, the light receiving element is positioned higher than the LD5 so that it does not directly enter the light receiving element” (Col 16, line 30 to 33). The signal light refers to the light which strikes the light-receiving element after being reflected off the surface of a media (disk).

In contrast, the present invention monitors the laser diode having direct contacts. Referring to FIG. 3 of the present invention a photo diode 304 detects the light emitted from the back side of the laser diode 303 to **check** whether the laser diode 303 is functioning properly and to perform an automatic power control (APC) (page 6, line 13 to 16).

Further, contrary to the statement by the office action, applicant respectfully note that the steam disclosed in Fig. 16 and the hole disclosed in FIGs. 1a and 1b of Yagi are incorrectly combined by the office action as the they clearly show different configuration, and that the configuration of FIGs. 1a and 1c is to solve the problem for the configuration disclosed in FIG. 16.

Therefore, Yagi fails to anticipate a photo diode which monitoring the optical signals projected from the laser diode. Applicants respectfully request withdrawal of this ground of rejection.

Dependent claim 7 rejected above under 35 U.S.C. § 102(a) as anticipated by Yagi et al. (US Pat. No. 6,868,105) and the remaining dependent claims 2-3, 5-6, 8 and 11 -14 rejected under 35 U.S.C. § 103(a) as being unpatentable over Yagi in view of applicant's prior art (FIG. 1 & 2) are dependent from independent claim 1 and 10 respectively as discussed above and are therefore believed patentable for the same reasons. Moreover, Yagi as discussed above does not provide RF signal to optical signal conversion for means of supplying data to an optical communication network. One skilled in the art would not have combined the Yagi device with the prior art devices discussed in the specification of the present invention to obtain the optical element therein. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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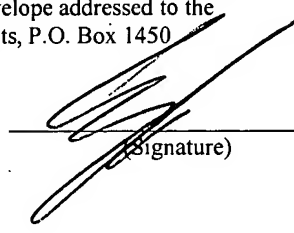
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